

Appl. No. 10/789,528
Amdt. dated July 24, 2008
Reply to Off. Act. of Apr. 8, 2008

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REMARKS/ARGUMENTS

1. Claims 1-20 are pending in the present application. Claim 16 has been cancelled and claim 21 is newly presented.

2. The Examiner rejected claims 1-20 under 35 U.S.C. § 103(a) as being unpatentable over Manzardo (U.S. Patent No. 6,452,946) in view of Ofer et al. (U.S. Patent No. 6,353,869 and hereinafter “Ofer”) and Takashima et al. (U.S. Patent Application Publication No. 2001/0013543 A1 and hereinafter “Takashima”). Reconsideration of the present application is respectfully requested in view of the remarks and/or amendments provided herein.

Amendment to the Specification

3. Applicants have herein amended Paragraphs [0006], [0007], [0012], [0013], [0015], [0019], [0023], [0024], and [0026] of the published specification to correct typographical errors and other minor informalities. Applicants submit that such amendments are not related in any manner to the patentability of Applicants’ claims and do not introduce any new matter into the specification.

Rejections under 35 U.S.C. § 103(a)

4. Claims 1-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Manzardo in view of Ofer and Takashima. In particular, the Examiner asserts that Manzardo discloses all of the features of Applicants’ independent claims 1 and 11, except for at least one delay frame sent to prevent repolling by the polling station prior to sending a non-delay frame. The Examiner then asserts that Ofer discloses sending a data frame to prevent repolling, but concedes that the combination of Manzardo and Ofer still fail to disclose the transmission of delay and non-delay frames in response to a polling frame. However, the Examiner further asserts that Takashima discloses such a feature in Paragraph [0135] thereof and concludes that the combination of Manzardo, Ofer, and Takashima renders Applicants’ claims obvious. Applicants disagree with the Examiner’s characterization of Applicants’ claims for the reasons stated previously during prosecution of the instant application. Nevertheless, Applicants have

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herein amended independent claims 1 and 11 to more clearly distinguish the recitations of said claims over the combination of Manzardo, Ofer and Takashima. In particular, Applicants have amended claim 1 to relate to method for a mobile terminal to perform a transaction in a WLAN that includes a wireless access point, wherein the mobile terminal awakes from a low power mode to send a polling frame to the access point, receives a delay frame from the access point responsive to the polling frame, temporarily ceases a procedure for repolling the access point responsive to receiving the delay frame, subsequently receives a non-delay frame from the access point in further response to the polling frame, and returns to the low power mode after receiving the non-delay frame. Applicants have amended claim 11 to relate a method for a wireless access point to perform a transaction in a WLAN that includes at least one mobile terminal, wherein the access point receives a polling frame from a mobile terminal, sends at least one delay frame to the mobile terminal in response to the polling frame to effect a temporary cessation of the mobile terminal's procedure for repolling the access point, and subsequently sends a non-delay frame to the mobile terminal in further response to the originally sent polling frame. The combination of Manzardo, Ofer and Takashima fails to disclose or suggest such methods.

Manzardo discloses a PBX system containing a remote node (74) that includes a remote HDLC controller (92) and several line cards (78-84). The remote HDLC controller polls each line card in order. In response to the poll, the line card transmits an acknowledgment or receive ready (RR) frame or an information frame (I-Fr) back to the remote HDLC controller. The frame received from the line card is then used to generate an address-specific message for inclusion in a combined acknowledge and information (AI) frame containing the responses from all the line cards. (See col. 7, lines 48-51 and col. 8, lines 13-66.)

Ofer discloses a procedure for controlling access to a shared resource in a distributed system. Processors (1a, 1c, 1n in FIG. 1) poll the shared resource in an attempt to lock it for their use. If the poll is unsuccessful, the processor (e.g., 1c in FIG. 1) is placed in a lock request queue and repolls the shared resource to determine the identity of the current lock holder, as well as the number of prior entries in the lock queue. If the lock holder is not the polling processor, the processor may delay its next poll based on an average of the time periods between its prior polling times and its position in the queue to reduce the amount of polling necessary to gain a lock.

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Takashima discloses a procedure for allocating communication processing cards in a communication control apparatus. In one embodiment, a controller polls each processing card and the processing card responds with information on its delay tolerance. The controller immediately gives a right of transmission to the communication processing card when the delay tolerance is small. (See ¶ [0135].) Thus, the delay tolerance relates to the urgency of the transmission, but has nothing to do with temporarily deferring a repolling procedure because there may be data or additional data to send. As a result, the delay tolerance disclosed by Takashima is distinct from delay and non-delay frames as disclosed and claimed by Applicants.

Thus, the combination of Manzardo, Ofer and Takahsima disclose the use of polling by control units to allocate system resources to consuming units, such as line cards and communication processing cards (Manzardo and Takashima), and by consuming units, such as processors, to request system resources from control units (Ofer). However, none of the cited references, whether taken individually or in combination, discloses a WLAN environment or the functions of mobile terminals or wireless access points in such an environment. Further, with respect to claim 1, none of the cited references, whether taken individually or in combination, discloses a mobile terminal (or any other resource consuming unit) that awakes from a low power mode, sends a polling frame after awaking, receives at least one delay frame from a wireless access point (or any other control unit) in response to the polling frame, temporarily ceases a procedure for repolling the access point responsive to receiving a delay frame, subsequently receives a non-delay frame from the access point, and returns to the low power mode after receiving the non-delay frame. Still further, with respect to claim 11, none of the cited references, whether taken individually or in combination, discloses an access point or other comparably functioning device (e.g., a wireless gateway or router with access point functionality) that receives a polling frame from a mobile terminal (e.g., cell phone, laptop or notebook computer, PDA, wireless email device, etc.), sends at least one delay frame to the mobile terminal in response to the polling frame so as to effect a temporary cessation of a procedure at the mobile terminal for repolling the access point, and subsequently sends a non-delay frame to the mobile terminal in further response to the previously sent polling frame.

Therefore, Applicants submit that the combination of Manzardo, Ofer and Takashima fail to disclose all the limitations of Applicants' claims 1 and 11 as required to establish a *prima*

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facie case of obviousness. As a result, Applicants submit that claims 1 and 11 are allowable over the references of record and respectfully request that claims 1 and 11 be passed to allowance.

Claims 2-10 are dependent upon claim 1, which claim has been shown allowable above. Additionally, claims 2-10 recite subject matter not disclosed or suggested by the cited references. For example, claim 8 requires the mobile terminal to receive from the access point, during an initial call set up with the access point, an indication of the number of delay frames to be sent by the access point during the network transaction. Additionally, claim 10 requires that the delay frame include a MAC address identifying the access point, not the mobile terminal, as the intended target of the delay frame. The scenario recited in claim 10 would most likely result when the mobile terminal did not include data in the polling frame (see page 7, line 20 through page 8, line 7 of Applicants' specification). The cited references fail to disclose or suggest such additional subject matter. Therefore, since claims 2-10 introduce additional subject matter that, when considered in the context of the recitations of claim 1, constitutes patentable subject matter, Applicants respectfully submit that the recitations of claims 2-10 are not disclosed or suggested by the cited references and respectfully request that claims 2-10 be passed to allowance.

Claims 12-15 and 17-20 are dependent upon claim 11, which claim has been shown allowable above. Additionally, claims 12-15 and 17-20 recite subject matter not disclosed or suggested by the cited references. For example, claim 18 requires the access point to send to the mobile terminal, during an initial call set up with the mobile terminal, an indication of the number of delay frames to be sent to the mobile terminal during the network transaction. Additionally, similar to claim 10, claim 20 requires that the delay frame include a MAC address identifying the access point, not the mobile terminal, as the intended target of the delay frame. The cited references fail to disclose or suggest such additional subject matter. Therefore, since claims 12-15 and 17-20 introduce additional subject matter that, when considered in the context of the recitations of claim 11, constitutes patentable subject matter, Applicants respectfully submit that the recitations of claims 12-15 and 17-20 are not disclosed or suggested by the cited references and respectfully request that claims 12-15 and 17-20 be passed to allowance.

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Amendments to the Claims

5. In addition to the amendments to claims 1 and 11 discussed above, Applicants have herein voluntarily amended claims 1-15 and 17-20 to correct minor informalities therein, to broaden one or more of the claims in certain respects, and to claim additional subject matter disclosed in Applicants' specification. None of these amendments were made for any purpose related to patentability or add new matter into the application.

New Claims

6. Applicants have herein added new independent claim 21 directed to additional features of the present invention. Applicants submit that such claim is fully supported by Applicants' originally filed specification and is patentably distinct from the references of record. Accordingly, Applicants request that the Examiner pass new claim 21 to allowance. With the addition of claim 21 and the cancellation of claim 16, twenty claims remain pending in the present application, three of which are independent. Applicants had previously paid for examination of twenty claims, three of which could be independent. Therefore, Applicants have not added any "extra" claims by virtue of the addition of claim 21. As a result, Applicants submit that no additional fees are due for the examination of new claim 21. If Applicants are in error in their understanding, please charge any additional filing fees to the undersigned's Deposit Account No. 50-1111 and provide a detailed explanation as to the basis for any additional fees charged in the Examiner's next correspondence.

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7. The Examiner is invited to contact the undersigned by telephone, facsimile or email if the Examiner believes that such a communication would advance the prosecution of the instant application. Please charge any necessary fees associated herewith, including extension of time fees (if applicable and not paid by separate check), to the undersigned's Deposit Account No. 50-1111.

Respectfully submitted,

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